

REMARKS

The following remarks are submitted to be fully responsive to the Official Action dated July 7, 2009. It is further submitted that this response is timely filed within the three-month shortened statutory period for response as extended by the one month extension of time filed herewith. Should any fees be required, the Commissioner is authorized to charge Kagan Binder Deposit Account No. 50-1775 and thereafter notify us of the same. Reconsideration of all outstanding grounds of the rejection and allowance of the subject application are believed in order and respectfully requested.

By this amendment, independent claim 1 is amended to emphasize the nature of the claimed restriction element as having the ability to change a size of the selective opening without changing the size of the entrapment device as such device is deployed within a patient's vasculature system. Also, the restriction element functions to prevent debris passage back through said selective opening from said distal side to said proximal side of said entrapment device in a second direction opposite to said first direction. It is submitted that claim 1 clearly distinguishes from the prior art of record.

Specifically, the Examiner has applied the Barbut et al reference. In the latest Advisory Action, the Examiner notes that the hold strings 316 can be retracted along with the cannula 300. This action is asserted by the Examiner to change the openings that are defined by the hold strings 316 and the expandable seal 317. Moreover, the Examiner states in the above-noted final Office Action in responding to Applicant's previous arguments, that such action can occur when the seal element 317 is collapsed from the expanded position. Although Applicants disagree with this assertion, it is submitted that presently amended claim 1 further distinguishes from the device of the Barbut et al reference.

Claim 1 recites that the selective opening can be changed in size by the restriction element without changing the size of the entrapment device as it is in its deployed state, or as deployed. To the extent that the Examiner finds that the strings 316 act as a restriction element that can change the size of an opening of the device of the Barbut et al reference, it is submitted that the strings 316 only operate during the process of collapsing the seal 317, as acknowledged by the Examiner, which action also results in a changing of the size of the entrapment device from its deployed state. Accordingly, it is submitted that claim 1 is further patentable over the Barbut et al reference. All previous arguments presented by Applicants, particularly within the Request for Reconsideration submitted after the final rejection of record, are incorporated herein

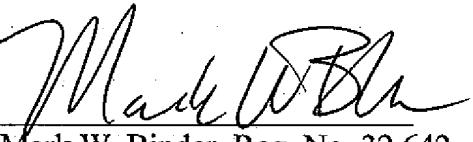
and restated for distinguishing from the Barbut et al reference. Allowance of claims 1-15 is respectfully requested.

Conclusion

Accordingly, it is submitted that claims 1-15 are currently in condition for allowance, a notice of which is earnestly solicited. If the Examiner finds any issue remaining after consideration of this response, the Examiner is invited to contact the undersigned, at the Examiner's convenience, in order to expedite any remaining prosecution.

Respectfully Submitted,

By:


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